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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,062	08/27/2003	Yasuaki Natori	03518/LH	7351

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NEW YORK, NY 10001-7708

EXAMINER

POLYZOS, FAYE S

ART UNIT	PAPER NUMBER
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2884

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/650,062	<b>Applicant(s)</b> NATORI, YASUAKI	
	<b>Examiner</b> Faye Polyzos	<b>Art Unit</b> 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 6-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 6-8, 10, 11, 15, 16 and 19 is/are rejected.
- 7) ☒ Claim(s) 9, 12-14, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-8, 10-11, 15-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by *Kashima et al (US 6,094,300 A)*.

Regarding claim 6, Kashima discloses a laser scanning microscope comprising: a first optical scanning system (1) which scans a first laser light (100) for observing a sample on the sample (110); a first light branch device (101) which separates a light from a sample from an optical path of the first laser light (100); at least one photodetector (115) which detects the light from the sample from an optical path of the first light branch device; a second optical scanning system (3) which irradiates a specific portion on the sample with a second laser light for stimulating or operating the sample; and a wavelength selection device (112) which is disposed between the first light branch device and the photodetector (115) and which has a first function of transmitting a desired observation light and a second function for limiting transmission of the second laser light (2) (See Generally Fig. 1 and col. 7, lines 4-27, col. 8, lines 45-50 and col. 9, lines 38-58)

Regarding claim 7, Kashima discloses the laser scanning microscope wherein the wavelength selection device comprises an interference filter (See Generally Fig. 1 and col. 7, lines 28-39 and col. 8, lines 35-50).

Regarding claim 8, Kashima discloses the laser scanning microscope wherein a transmittance of the second laser light (3) of the wavelength selection device (112) is not more than 0.01% (See Generally Fig. 1 and col. 12, lines 10-29).

Regarding claim 10, Kashima discloses the laser scanning microscope wherein the wavelength selection device (112) comprises an interference filter comprising: a first interference coating, which performs the first function, on the surface of a substrate; and a second interference coating, which performs the second function, on another surface of the substrate (col. 10, lines 15-63).

Regarding claim 11, Kashima discloses the laser scanning microscope wherein the second laser light (2) is an ultraviolet or infrared light (See Generally Fig. 1 and col. 8, lines 51-65).

Regarding claim 15, Kashima discloses the laser scanning microscope wherein the interference filter comprising: a first interference coating, which performs the first function; and a second interference coating, which performs the second function, on another surface of the substrate (col. 10, lines 15-63).

Regarding claim 16, Kashima discloses the laser scanning microscope wherein the second laser light (2) is an ultraviolet or infrared light (See Generally Fig. 1 and col. 8, lines 51-65).

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Regarding claim 19, Kashima discloses the laser scanning microscope wherein the desired observation light is a fluorescence excited by the first laser light (100) (See Generally Fig. 1 and col. 8, lines 28-57).

***Allowable Subject Matter***

3. Claims 9, 12-14 and 17-18 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding dependent claim 9, the prior art, as stated supra, does not disclose or fairly suggest a laser scanning microscope wherein the wavelength selection device comprises: at least one second interference filter which performs the second function.

Regarding dependent claim 12, the prior art, as stated supra, does not disclose or fairly suggest a laser scanning microscope wherein the wavelength selection device comprises: at least one second interference filter which performs the second function.

Regarding dependent claim 13, the prior art, as stated supra, does not disclose or fairly suggest a laser scanning microscope wherein at least one photodetector comprises a plurality of photodetectors and the at least one first interference filter comprises a plurality of first interference filters.

Regarding dependent claim 14, the prior art, as stated supra, does not disclose or fairly suggest a laser scanning microscope comprising; a second

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interference filter wherein a filter change section changes the second interference filter in accordance with the wavelength of the second laser light.

Regarding dependent claim 17, the prior art, as stated supra, does not disclose or fairly suggest a laser scanning microscope wherein the wavelength selection device comprises: at least one second interference filter which performs the second function.

Regarding dependent claim 18, the prior art, as stated supra, does not disclose or fairly suggest a laser scanning microscope wherein at least one photodetector comprises a plurality of photodetectors and the at least one first interference filter comprises a plurality of first interference filters.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Polyzos whose telephone number is 571-272-2447. The examiner can normally be reached on Monday thru Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP



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